

AN ORDINANCE

99602

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ") FOR THE PERIOD SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005 IN THE AMOUNT OF \$235,000.00 TO SUPPORT THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT ("SAMHD") IN THE OPERATIONS AND MAINTENANCE OF AIR MONITORS IN THE SAN ANTONIO AREA; AUTHORIZING THE ACCEPTANCE OF AN AGREEMENT WITH TCEQ FOR THE PERIOD SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005 IN THE AMOUNT OF \$30,000.00 TO SUPPORT THE SAMHD IN THE OPERATION AND MAINTENANCE OF AN ADDITIONAL THREE PM 2.5 AIR MONITORS THAT TCEQ WILL ESTABLISH IN THE SAN ANTONIO AREA; APPROVING THE EXECUTION OF THE TWO AGREEMENTS WITH TCEQ; ESTABLISHING A FUND; ADOPTING THE PROGRAM BUDGETS; AND APPROVING THE PERSONNEL COMPLEMENTS.

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WHEREAS, the City of San Antonio, through the San Antonio Metropolitan Health District (SAMHD), currently provides comprehensive public health services to protect the health of all residents within the jurisdiction of the SAMHD; and

WHEREAS, Ordinance 94645 passed and approved September 27, 2001, established SAMHD's Public Center for Environmental Health (PCEH) to address the environmental concerns of community residents and develop strategies for evaluating potential adverse health outcomes; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) desires to contract with the City of San Antonio through two Interagency/Interlocal Category I Agreements to support the PCEH in the operation and maintenance of air monitors previously established in the San Antonio, Texas area along with the operation and maintenance of an additional three PM 2.5 air monitors that TCEQ will establish in the San Antonio, Texas area for the period September 1, 2004 through August 31, 2005; and

WHEREAS, it is now necessary to approve the acceptance and execution of the two agreements with TCEQ, establish a fund, adopt the program budgets, and approve the personnel complements; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or her designee, is authorized to accept \$235,000.00 from the TCEQ for the period September 1, 2004 through August 31, 2005 in order to support the PCEH in the operation and maintenance of air monitors in the San Antonio area. The City Manager, or her designee, is authorized to execute Contract Number 582-5-55852 with TCEQ. A copy of Contract Number 582-5-55852, San Antonio Air Monitoring, in substantially correct form, is attached hereto and incorporated herein for all purposes as Attachment III.

SECTION 2. The City Manager, or her designee, is authorized to accept \$30,000.00 from the TCEQ for the period September 1, 2004 through August 31, 2005 in order to support the PCEH in the operation and maintenance of an additional three (3) air monitors that TCEQ will establish in the San Antonio area. The City Manager, or her designee, is authorized to execute Contract Number 582-5-55885 with the TCEQ. A copy of Contract Number 582-5-55885, PM 2.5 Monitoring in San Antonio, in substantially correct form,

is attached hereto and incorporated herein for all purposes as Attachment IV.

SECTION 3. Fund No. 26-008034 entitled "San Antonio Air Monitoring – TCEQ 2004/2005" is hereby designated for use in accounting by activity for the fiscal transactions of these TCEQ programs. This fund is authorized for use in accordance with these TCEQ agreements.

SECTION 4. The aggregate sum of \$265,000.00 is hereby appropriated in the above-designated fund and the budgets set out in Attachment I and Attachment II are approved and adopted for entry on the City books.

SECTION 5. Payments received from TCEQ for Contract Number 582-5-55852, San Antonio Air Monitoring, are to be deposited into the above-designated fund, Activity 36-11-23, Revenue Index 084871.

SECTION 6. Payments received from TCEQ for Contract Number 582-5-55885, PM 2.5 Monitoring in San Antonio, are to be deposited into the above-designated fund, Activity 36-11-24, Revenue Index 089904.

SECTION 7. The five (5) personnel positions set out in Attachment I are hereby authorized for the Activity 36-11-23.

SECTION 8. The two (2) personnel positions set out in Attachment II are hereby authorized for the Activity 36-11-24.

SECTION 9. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this ordinance.

SECTION 10. Should either of the two (2) contracts be in amounts other than those budgeted for, or should either of the two (2) contracts contain terms and conditions different than those currently existing, acceptance of these contracts, budgets and corresponding personnel complements will be subject to subsequent City Council ordinance.

SECTION 11. If an agreement, as first reviewed and approved by the City Attorney, is not signed by both parties within sixty (60) days from the effective date of this ordinance, it becomes null and void, and any further signed documents must be considered by the City Council.

SECTION 12. This ordinance shall be effective on and after August 29, 2004.

PASSED AND APPROVED this 19th day of August, 2004.

M A Y O R

EDWARD D. GARZA

ATTEST:

Leticia M. Pineda
City Clerk

APPROVED AS TO FORM:

Guillermo L. Garcia
City Attorney